REMARKS

In the Office Action mailed June 7, 2006, the Examiner rejected claims 1 and 8

on the ground of nonstatutory obviousness-type double patenting as being unpatentable

over claims 1 and 9 of copending U.S. Patent Application No. 10/697,434; rejected

claims 2, 20-22, and 29 on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claims 1, 7, and 8 of copending U.S. Patent

Application No. 10/697,433; rejected claims 1 and 8-10 on the ground of nonstatutory

obviousness-type double patenting as being unpatentable over claims 1, 3, 9, and 10 of

copending U.S. Patent Application No. 10/522,526; rejected claim 34 under 35 U.S.C.

§ 101 as being directed to nonstatutory subject matter; objected to claims 20 and 29 for

minor informalities; rejected claims 18, 19, 32, and 33 under 35 U.S.C. § 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter that Applicant regards as his invention; rejected claims 1-5, 8, 10-23, 26,

28, 29, 33, and 34 under 35 U.S.C. § 102(b) as being anticipated by Bajpai

(WO 97/15009); rejected claims 4, 6, 7, 24, and 25 under 35 U.S.C. § 103(a) over

Bajpai in view of Cha et al. (WO 01/18652 A1); rejected claims 9 and 27 under

35 U.S.C. § 103(a) over Bajpai in view of Aslanian et al. (U.S. Patent No. 5,111,384);

rejected claims 30-32 under 35 U.S.C. § 103(a) over Bajpai in view of Andrew (U. S.

Patent No. 6,681,344); and rejected claims 35-37 under 35 U.S.C. § 103(a) over Cha et

al. in view of Bajpai.

By this Amendment, Applicant has amended claims 1, 4, 5, 8-14, 18, 20, 21, 29,

32, and 34. Support for these changes may be found in the specification at, for

example, paragraphs 038, 039, 040, 048, 052, 105, 113, and 122. In addition, Applicant

has cancelled claims 2, 3, 19, 22, 23, 33, and 35. In view of these amendments, claims

1, 4-18, 20, 21, 24-32, 34, 36, and 37 are pending in this application.

I.   Nonstatutory Double Patenting Rejection

Although Applicant respectfully traverses the rejection of claims 1 and 8 on the

ground of nonstatutory double patenting over claims 1 and 9 of copending U.S. Patent

Application No. 10/697,434; the rejection of claims 2, 20-22, and 29 over claims 1, 7,

and 8 of copending U.S. Patent Application No. 10/697,433; and the rejection of claims

1 and 8-10 over claims 1, 3, 9, and 10 of copending U.S. Patent Application No.

10/522,526, in an effort to expedite prosecution, Applicant will submit a Terminal

Disclaimer upon the Examiner's removal of the prior art rejections and indication of

allowable claims in this application. Therefore, Applicant requests that the nonstatutory

double patenting rejection of pending claims 1, 8-10, 20, 21, and 29 be held in

abeyance until such time. Further, Applicants note that the rejections of claims 2 and

22 is moot since these claims were cancelled.

II.   Rejection of Claim 34 Under 35 U.S.C. § 101

Although Applicant respectfully traverses the 35 U.S.C. § 101 rejection of claim

34, in order to expedite prosecution, Applicant has amended claim 34 to recite a

"computer program product stored in a computer-readable medium." Therefore,

Applicant requests the Examiner to withdraw the 35 U.S.C. § 101 rejection of claim 34.

III.   Objection to Claims 20 and 29

Applicant has amended claim 20 to delete ")" and amended claim 29 to recite

"from a" to refer to the predefined advices. Therefore, Applicant requests that the

objection to claims 20 and 29 be withdrawn.

IV. Rejection of Claims 18, 19, 32, and 33 Under 35 U.S.C. § 112, Second Paragraph

With regard to the 35 U.S.C. § 112, second paragraph, rejection, Applicant has amended claim 18 to delete "and the at least one further main system is adapted to be operated by a second customer." Applicant has also cancelled claims 19 and 33 and thus rendered the rejection of these claims moot, and amended claim 32 to recite "service system." Therefore, Applicant requests that the rejection of pending claims 18 and 32 be withdrawn.

V. Rejection of Claims 1-5, 8, 10-23, 26, 28, 29, 33, and 34 Under 35 U.S.C. § 102(b)

In order for Bajpai to anticipate Applicant's claimed invention under 35 U.S.C. § 102(b), each and every element of the claim at issue must be found, either expressly described or under principles of inherency, in the reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131 (quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989)). Bajpai fails to anticipate claim 1 because Bajpai does not to disclose, expressly or otherwise, each and every feature recited in claim 1.

As amended, claim 1 recites, *inter alia*, "wherein the main system has a client/server configuration with a database, an application server, and a front-end server, and wherein the auxiliary system uses the client/server configuration of the main system, and wherein the modules of the auxiliary system are distributed such that the service module, the acquisition module, the knowledge module, and the inference module are arranged in parallel to the application server and to the database."

The Examiner states that "processor 10 [of Bajpai] is interpreted as a main system" and also equates "remote processor 12" of Bajpai to the claimed "auxiliary system." (Office Action, p. 7.) The Examiner further states that "expert system 30 is interpreted as an application server," or, in the alternative, "remote diagnostic workstation 12 is interpreted as an application server." (Office Action, pp. 7-8.) In Bajpai, however, the expert system 30 (the alleged application server) is part of the remote processor 12 (the alleged auxiliary system), and is **not** part of the processor 10 (the alleged main system). (Bajpai, Figs. 1 and 2.) The processor 10 does not include the expert system 30. Therefore, Bajpai does not teach or suggest "wherein the main system has . . . an application server . . . wherein the modules of the auxiliary system are distributed such that the service module, the acquisition module, the knowledge module, and the inference module are arranged in parallel to the application server," as recited in claim 1, since the main system of Bajpai does not include the alleged application server; rather, the remote processor 12 includes the alleged application server.

Furthermore, given the alternative interpretation, even if the "remote diagnostic workstation 12" is interpreted as being the application server, then the auxiliary system and the application server are the same in Bajpai. (*See* Office Action, p. 7 (where auxiliary system is equated to the remote processor 12)). Claim 1, however, recites a "computer system with a main system . . . , the computer system comprising an auxiliary system . . . , wherein the main system has . . . an application server . . . ." Therefore, the auxiliary system and the application server are separate in claim 1. Bajpai, therefore, fails to teach or suggest "wherein the main system has . . . an application

server . . . wherein the modules of the auxiliary system are distributed such that the service module, the acquisition module, the knowledge module, and the inference module are arranged in parallel to the application server," as recited in claim 1.

Claim 20, while of different scope, recites similar limitations as claim 1. Applicant, therefore, respectfully requests that the Examiner withdraw the rejection of independent claims 1 and 20 under 35 U.S.C. § 102(b), as well as claims 4-5, 8, 10-18, 21, 26, 28, 29, and 34, at least due to their dependence from claims 1 and 20, respectively. The rejection of claims 2, 3, 19, 22, 23 and 33 is moot, since each of these claims were cancelled.

VI.   Rejection of Claims 4, 6, 7, 9, 24, 25, 27, 30-32, and 35-37 Under 35 U.S.C. § 103(a)

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art references must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Third, there must be a reasonable expectation of success. *See* M.P.E.P. § 2143.

Here, the cited references cannot support a rejection under 35 U.S.C. § 103(a) because, among other things, Bajpai, Aslanian et al., Cha et al., or Andrew, taken alone or in any proper combination, do not disclose, teach, or suggest each and every feature recited in Applicant's claim 1.

As noted above with regard to claim 1, Bajpai does not disclose "wherein the main system has a client/server configuration with a database, an application server,

and a front-end server, and wherein the auxiliary system uses the client/server configuration of the main system, and wherein the modules of the auxiliary system are distributed such that the service module, the acquisition module, the knowledge module, and the inference module are arranged in parallel to the application server and to the database." Neither Aslanian et al., Cha et al., or Andrew overcomes the shortcomings of Bajpai.

The Examiner cites Cha et al. for the teaching of an "enterprise resource planning system" and an "R/3" system. (Office Action, p. 14.) Aslanian et al. is cited by the Examiner for its teaching of "distinguishing the main system versions." (Office Action, p. 17.) Andrew is cited by the Examiner for its teaching of "forwarding problem data and solutions in combination to a single service system." (Office Action, p. 18.) However, neither Cha et al., Aslanian et al., or Andrew disclose or suggest "wherein the main system has a client/server configuration with a database, an application server, and a front-end server, and wherein the auxiliary system uses the client/server configuration of the main system, and wherein the modules of the auxiliary system are distributed such that the service module, the acquisition module, the knowledge module, and the inference module are arranged in parallel to the application server and to the database," as recited in claim 1. Nor does the Examiner assert that Cha et al., Aslanian et al., or Andrew disclose such features.

Accordingly, Bajpai, Cha et al., Aslanian et al., or Andrew, taken alone or in any proper combination, do not teach or suggest each and every feature recited in Applicant's independent claim 1 and, therefore, cannot support a rejection of these claims under 35 U.S.C. § 103(a). Claim 20, while of different scope, recites similar

recitations to claim 1. Dependent claims 4, 6, 7, 9, 24, 25, 27, 30-32, and 36-37 are also allowable, at least due to their corresponding dependence from claims 1 and 20, respectively. The rejection of claim 35 is moot since the claim has been cancelled.

VII. **Conclusion**

In view of the foregoing amendments and remarks, Applicant submits that the claims are neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant, therefore, requests the Examiner's reconsideration and reexamination of the application, and the timely allowance of claims 1, 4-18, 20, 21, 24-32, 34, 36, and 37.

Respectfully submitted,

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